

Summer 2002

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Recommended Citation

Caccese, Gina (2002) "THE UNITED NATIONS AND TERRORISM: THE RESPONSE TO SEPTEMBER 11TH AND MAYOR GIULIANI'S ADDRESS TO THE GENERAL ASSEMBLY," *NYLS Journal of Human Rights*: Vol. 18 : Iss. 3 , Article 7.

Available at: https://digitalcommons.nyls.edu/journal_of_human_rights/vol18/iss3/7

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The United Nations and Terrorism: The Response to September 11th and Mayor Giuliani's Address to the General Assembly

On September 11, 2001, a group of terrorists boarded and hijacked four planes: two leaving from Logan International Airport in Boston, MA; one from Dulles International Airport in Washington D.C.; and one from Newark International Airport in Newark, NJ. Each of the four planes was headed to the west coast, but unfortunately the planes never made it to their destinations. Two of the planes from Logan were flown into the World Trade Center, bringing down the two towers that symbolized the economic strength of New York City, the country, and the world. The third plane hijacked from Dulles was flown into the Pentagon, collapsing one side of the symbolic five-sided building. The fourth plane was crashed in Pennsylvania before it had a chance to destroy another target. The tragic events of September 11, 2001 claimed the lives of thousands of people from over eighty different nations.¹ In response to this horrific act of terrorism, people from all countries have turned to the United Nations for answers, guidance, and action.

Long before these attacks, the United Nations has been a strong force against international terrorism. "The Organization and its agencies have developed a wide range of international legal agreements that enable the international community to take action to suppress terrorism."² Agreements dating back as far as 1963 have provided "the basic legal tools to combat international terrorism."³ Since September 11th, the movement against terrorism has been stronger than ever. The United States vowed to find and prosecute all terrorists, as well as those harboring, helping, or associated with terrorists. Many other countries have agreed to stand beside America in this "war against terrorism." In addition to the many countries that have agreed to support the United States, the United Nations has taken on a bigger role in this fight.

¹ Serge Schmemmann, *A Nation Challenged: The May; Giuliani is Blunt in Rare U.N. Talk*, N.Y. TIMES, October 2, 2001, at A1.

² *UN Treaties Against International Terrorism*, available at <http://www.un.org/News/dh/latest/intreaterror.htm> (last visited Feb. 1, 2002).

³ *UN Treaties*, *supra* note 2.

The committee responsible for this role is the Security Council Committee. It is the committee within the United Nations that is given "primary responsibility for the maintenance of international peace and security."⁴ The Council has fifteen members: five of whom are permanent⁵ and ten who are elected by the General Assembly for two-year terms.⁶ This committee is responsible not only for the maintenance of peace, but also for the investigation of disputes, the imposition of economic sanctions, and the commencement of military action against aggressors.

Before September 11, the Security Council was responsible for enacting twelve resolutions in a continued effort to stop international terrorism. These resolutions include: the Convention on Offences and Certain Other Acts Committed on Board Aircrafts (1963); the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973); and the Convention Against the Taking of Hostages (1979). A more recent resolution is the International Convention for the Suppression of Terrorist Bombings. This resolution was enacted in 1997 following the first terrorist attack on the World Trade Center. It calls for states to deny all terrorists a safe haven and to prosecute and/or extradite them for their criminal acts. In 1999, the International Convention for the Suppression of the Financing of Terrorism was passed to stop the financing of terrorists. Again, it calls for states to prosecute or extradite those that give or receive funds in the furtherance of terrorist activity. In addition, it calls for the states to require banks to implement procedures that will detect any suspicious activity.⁷ The Security Council also adopted Resolution 1267 in 1999. This resolution expressed the continued concern of the United Nations with regard to increasing acts of terrorism, as well as its concern for the human rights of women and children in Afghanistan under the control of the Taliban. In recognizing that the Taliban was responsible for the harboring and training of terrorists, the Resolution "deplored

⁴ Security Council Committee Home Page available at <http://www.un.org/Docs/sc/committees/1373/> (last visited Feb. 1, 2002).

⁵ Security Council Committee Home Page, *supra* note 4 (Russian Federation, United Kingdom, United States, China and France).

⁶ Security Council Committee Home Page, *supra* note 4 (Bulgaria, Cameroon, Columbia, Guinea, Ireland, Mauritius, Mexico, Norway, Singapore and Syrian Arab Republic).

⁷ *UN Treaties*, *supra* note 2.

the fact that the Taliban continues to provide safe haven to Usama bin Laden” and “demands” that they turn him over “without further delay.”⁸ Unfortunately, Afghanistan did not concede to the demands of the United Nations.

The heinous acts of September 11 have instigated the Council’s passing of additional resolutions with the intention of wiping out international terrorism. On September 12, 2001, the Security Committee enacted Resolution 1368. This resolution strongly condemned the acts of the previous day as well as expressed the Council’s deepest sympathy to all those affected. In addition, it called upon the member states to work together to stop terrorism and to bring about justice by punishing the people responsible for the attacks. The Council stood shoulder to shoulder with America by stating that people will be held accountable for aiding terrorists in any way, including financing, supporting, or harboring them. With this resolution, the Council vows to take the necessary action in this fight against international terrorism.⁹

On September 28, 2001, the United Nations adopted Resolution 1373, which is a “wide-ranging, comprehensive resolution with steps and strategies to combat international terrorism.”¹⁰ The Security Council established a Committee of the Council to monitor the resolution’s implementation. This Counter-Terrorism Committee, as it is now called, is responsible for reporting to the Council on a periodic basis. This resolution begins by reaffirming the Council’s condemnation of the acts of September 11. It calls for the states to suppress and prevent the financing of terrorists, their organizations, and their acts. It looks to states to criminalize the acts of their citizens with regard to financing terrorism or harboring terrorists. Beyond its efforts to eliminate the money and shelter afforded to terrorists, the resolution calls for the member states to work together in the fight against the terrorists. This includes affording the greatest assistance in investigations of suspected terrorists or accomplices of terrorists. In addition, it calls for the speedy exchange of information pertaining to investigations from one state to another. Finally, Resolution 1373 acknowledges that

⁸ S.C. Res. 1267 U.N. SCOR, 4051st mtg., U.N. Doc. SC/1267 (1999).

⁹ S.C. Res. 1368 U.N. SCOR, 56th Sess., 4370th mtg., U.N. Doc. SC/1368 (2001).

¹⁰ S.C. Res. 1373 U.N. SCOR, 56th Sess., 4385th mtg., U.N. Doc. SC/7158 (2001).

many terrorists hide in countries that are not aware of their presence. To that end, the resolution calls for States to create tighter border controls and to investigate refugees before giving them a protected status.¹¹

Resolution 1377, enacted on November 28, 2001, reaffirms much of what is said in Resolution 1373. In addition, it calls for all member states that have not already signed the resolutions regarding terrorism to do so if the "sign-on date" has not expired.¹² It specifically calls on the states to implement Resolution 1373, reminding states to suppress the financing and harboring of terrorists. In this resolution, the Council recognizes that it might be more difficult for some countries to implement the provisions of Resolution 1373 than it might be for others. The Council calls upon states to help each other with the process and also encourages the troubled states to seek help from the Counter-Terrorism Committee. It also looks to the committee to begin to develop ways in which they can help the states with the tasks spelled out in Resolution 1373 including:

- the promotion of best-practices in the areas covered by Resolution 1373 (2001), including the preparation of model laws as appropriate;
- the availability of existing technical, financial, regulatory, legislative or other assistance programmes which might facilitate the implementation of Resolution 1373 (2001); and
- the promotion of possible synergies between these assistance programs.¹³

Resolution 1377, reinforces the Council's commitment to wiping out international terrorism.

In addition to the treaties, the United Nations also includes a system of organizations, agencies and programs. Each played a big role in the international efforts against terrorism. In the wake of September 11, these organizations have taken new and additional

¹¹ S.C. Res. 1368 U.N. SCOR, 56th Sess., 4370th mtg., U.N. Doc. SC/1368.

¹² S.C. Res. 1368 U.N. SCOR, 56th Sess., 4370th mtg., U.N. Doc. SC/1368 (Each of the resolutions enacted by the Security Council is "open for signature" for a certain period of time. Some resolutions regarding terrorism, enacted before September 11 and all three of the resolutions enacted after still have open sign-on dates and the Council, as well as Secretary-General Annan are urging members to become a part of those resolutions if they have not already done so).

¹³ S.C. Res 1377, U.N. SCOR, 56th Sess., 4413th mtg., U.N. Doc. SC/1377 (2001).

steps to combat terrorism. For example, noteworthy changes were made on the part of The International Civil Aviation Organization (ICAO). This organization is responsible for determining international standards of safety for flying. After a February conference which included government representatives from over 150 countries, the organization endorsed new strategies including "mandatory aviation audits." These audits are to be conducted by both the organization and the national governments. The organization will be responsible for establishing programs that will rectify any deficiencies discovered during the audits.¹⁴

Ironically, the United Nations had a terrorism debate planned for the first week in October, long before the events of September 11. Given the times however, this meeting took on a whole new meaning. The General Assembly President, Han Seung-soo of the Republic of Korea opened the debate by saying, "We must never forget that terrorism is not a weapon yielded by one civilization against another, but rather an instrument of destruction through which small bands of criminals seek to undermine civilization itself."¹⁵ For the first time in almost fifty years, a New York City mayor addressed the General Assembly. United Nations Secretary-General Kofi Annan introduced Mayor Rudolph Guiliani by commending him on his strength and leadership. He expressed that the United Nations has always drawn strength from New York City, but since September 11th, they have also drawn strength from him. He also said that the United Nations was "uniquely positioned to serve as a forum" to fight terrorism "on a global scale."¹⁶

In Mayor Guiliani's address, he spoke of the vicious attacks on New York City and the country. He said that the attack was also an attack "on the idea of a free, inclusive and civil society."¹⁷ He called on the United Nations to hold all countries that support terrorism responsible. He also wanted all neutral nations to be "isolated." Mayor Giuliani expressed the great need for countries to come to-

¹⁴ *The United Nations System and Terrorism*, UN News Centre Home, available at <http://www.un.org/News/dh/latest/un-agencies.shtml> (last visited March 21, 2002).

¹⁵ *The United Nations Response*, United Nations Chronicle Online Edition, Vol. XXXVIII at pg 1, available at <http://www.un.org/Pubs/chronicle/2001/issue1/0103p6.htm> (last visited February 1, 2002).

¹⁶ *Id.*

¹⁷ Mayor Rudolph Guiliani, Address to the General Assembly (October 1, 2001).

gether and fight terrorism saying, "with one clear voice, unanimously, we need to say no to terrorism. We are unified and will not yield to terror."¹⁸

The goal for many involved in this debate was to complete a "comprehensive convention on international terrorism, which had been under discussion for many months."¹⁹ To date, there are parts of this convention that have yet to be agreed upon. The focus of a recent General Assembly meeting included discussion on the progress of this convention. Its intended purpose is to "be more encompassing in providing legal structure for combating terrorism and to fill the gaps left by previous"²⁰ conventions that specialized on one area of terrorism, not international terrorism on the whole. During the meeting, the states discussed the areas of conflict and offered suggestions on re-writing certain articles. The Committee appears hopeful that all they need is a little more time to iron out the wrinkles before the convention can be voted on and agreed to by the states.

The immediate response on the part of the United Nations on September 11, 2001, clearly depicts the central force it represents in the fight against terrorism. Before, during and after the tragic events that affected the United States, the United Nations has been working on eliminating international terrorism. The United Nations represents an idea of peace and harmony to the people of so many countries, but on September 11, that idea was shaken. The United Nations, being headquartered in New York City, felt the shock, horror and pain of the terrorist attacks first-hand: As Mayor Giuliani said in his message to the General Assembly, "the attack on the twin towers has been an attack also on the United Nations and what it stood for."²¹ The United Nations is the world's symbol of peace. During this time when so many countries are in need of direction and support, the United Nations continues, tirelessly, to work towards the common goal of a terrorist-free world.

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¹⁸ *Id.*

¹⁹ Schmemmann, *supra* note 1, at A1.

²⁰ Schmemmann, *supra* note 1, at A1.

²¹ Schmemmann, *supra* note 1, at A1.